

United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

v.

JONES FESTUS DEVELOPMENT, LLC

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 4:06CR261 JCH

Case Number:

USM Number:

Jeffrey T. Demerath

Defendant's Attorney

THE DEFENDANT ORGANIZATION:

☒ pleaded guilty to count(s) Two

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty

The organizational defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
42 USC 7413(c)(1) and 7412 and 18 USC 2	Violation of the Clean Air Act	October 2003	Two

The defendant organization is sentenced as provided in pages 2 through 5 of this judgment.

☐ The defendant organization has been found not guilty on count(s) _____

☐ Count(s) _____ dismissed on the motion of the United States.

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, principal businesses address, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant organization must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's

Federal Employer I.D. No.: _____

Defendant Organization's Principal Business Address:

14 Fox Valley

Arnold, MO 63028

Defendant Organization's Mailing Address:

SAME AS ABOVE

July 7, 2006

Date of Imposition of Judgment



Signature of Judge

Honorable Jean C. Hamilton

United States District Judge

Name & Title of Judge

July 7, 2006

Date signed

DEFENDANT ORGANIZATION: JONES FESTUS DEVELOPMENT, LLC
CASE NUMBER: 4:06CR261 JCH
District: Eastern District of Missouri

PROBATION

The defendant organization is hereby placed on probation for a term of 2 years

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) within thirty days from the date of this judgment, the defendant organization shall designate an official of the organization to act as the organization's representative and to be the primary contact with the probation officer;
- 2) the defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 3) the defendant organization shall notify the probation officer ten days prior to any change in principal business or mailing address;
- 4) the defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
- 5) the defendant organization shall notify the probation officer within seventy-two hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
- 6) the defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
- 7) the defendant organization shall not waste, nor without permission of the probation officer, sell, assign, or transfer its assets.

DEFENDANT ORGANIZATION: JONES FESTUS DEVELOPMENT, LLCCASE NUMBER: 4:06CR261 JCHDistrict: Eastern District of Missouri

ADDITIONAL PROBATION TERMS

1. The defendant shall comply with all federal, state, and local laws and regulations.
2. The defendant shall fully implement a hazardous material compliance program as approved by the government, which will have its aim, ongoing training of applicable employees to insure that such violations will not reoccur.

DEFENDANT ORGANIZATION: JONES FESTUS DEVELOPMENT, LLCCASE NUMBER: 4:06CR261 JCHDistrict: Eastern District of Missouri**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on sheet 6

AssessmentFineRestitution

Totals:

\$400.00☐ The determination of restitution is deferred until _____. *An Amended Judgment in a Criminal Case (AO 245C)*
will be entered after such a determination.☐ The defendant organization shall make restitution, payable through the Clerk of Court, to the following payees in the amounts listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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Totals: _____☐ Restitution amount ordered pursuant to plea agreement _____☐ The defendant organization shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).☐ The court determined that the defendant organization does not have the ability to pay interest and it is ordered that:☐ The interest requirement is waived for the. ☐ fine ☐ restitution.☐ The interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT ORGANIZATION: JONES FESTUS DEVELOPMENT, LLCCASE NUMBER: 4:06CR261 JCHDistrict: Eastern District of Missouri**SCHEDULE OF PAYMENTS**

Having assessed the organizations's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$400.00 due immediately, balance due
☐ not later than _____, or
☒ in accordance with ☐ C, ☒ D below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D below; or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of _____ over a period of _____ e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Special instructions regarding the payment of criminal monetary penalties:

IT IS FURTHER ORDERED that the defendant shall pay to the United States a special assessment of \$400, that shall be due immediately.

All criminal monetary penalties are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ **Joint and Several**
Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant organization shall forfeit the defendant organization's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest (6) community restitution.(7) penalties, and (8) costs, including cost of prosecution and court costs.



DEFENDANT: JONES FESTUS DEVELOPMENT, LLC

CASE NUMBER: 4:06CR261 JCH

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UNITED STATES MARSHAL
RETURN OF JUDGMENT IN A CRIMINAL CASE

I have executed this judgment as follows:

The Defendant was delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

- ☐ The Defendant was released on _____ to _____ Probation
- ☐ The Defendant was released on _____ to _____ Supervised Release
- ☐ and a Fine of _____ ☐ and Restitution in the amount of _____

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

I certify and Return that on _____, I took custody of _____
at _____ and delivered same to _____
on _____ F.F.T. _____

U.S. MARSHAL E/MO

By DUSM _____